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10/598,551	09/05/2006	Michael Foster	134188WOUS	7217

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EXAMINER	
MCLEOD, MARSHALL M	
ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,551	FOSTER ET AL.	
	Examiner	Art Unit	
	MARSHALL MCLEOD	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-7,9,12-15,17 and 20-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-7,9,12-15,17 and 20-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action has been issued in response to amendment filed 05 May 2008. Claims 1, 4-7, 9, 12-15, 17 and 20-22 are pending and claims 2, 3, 8, 10, 11, 16, 18, 19, and 23 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1, 4-7, 9, 12-15, 17 and 20-22 are a rejected under 35 U.S.C. 10(a) as being unpatentable over del Val et al. (Patent No US 6,763,392 B1), hereinafter del Val, in view of Real Time Streaming Protocol (RTSP) ((Schulzrinne et al. 03 March 2003) (draft-draft-ietf-mmusic-rfc2326bis)), hereinafter Schulzrinne and further in view Goldszmidt et al. (Patent No US 6195680 B1), hereinafter Goldszmidt.**

4. With respect to claim 1, del Val discloses a method for retrieving digital multimedia content from a network node (Figure 1; Column 2, lines 41-45), comprising: generating a Real

Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50; i.e. network node reads on server).

del Val does not disclose a message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF CLIP value; and transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier and said media clip index, said transferring commencing at a time determined responsive to said indication of said activation time, wherein said message is generated in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source, wherein said previously identified content source comprises a media clip, wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming.

However, Schulzrinne discloses a message containing at least one of a playlist identifier (Page 10; (Overall Operation); Section 1.7, Paragraph 1, lines 1-2), a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF CLIP value ((PLAY); Page 38, Section 11.4, Paragraph 3, lines 26-36); and transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified

by at least one of said playlist identifier (Page 10; (Overall Operation); Section 1.7, Paragraph 1, lines 1-2) and said media clip index (Page 3; (Purpose); Section 1.2, lines 1-21), said transferring commencing at a time determined responsive to said indication of said activation time ((PLAY) Paragraph 11.4, lines 26-36).

It would have been obvious to a person skilled in the art at the time of the invention to modify the teachings of del Val with the teachings of Schulzrinne in order to make media streaming more efficient and easier for the end user (client) through time management use of an activation time and playlist identifier.

The combined teachings of del Val and Schulzrinne does not disclose that a message is generated in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source, wherein said previously identified content source comprises a media clip, wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming.

However, Goldszmidt discloses wherein said message is generated in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source (Column 3, lines 41-55; i.e. … the client sends a switch request to the control server …)

, wherein said previously identified content source comprises a media clip (Column 3, lines 41-55; i.e. … Each client agent receives the multimedia stream from a streaming server …)

, wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming (Column 8, lines 27-33; i.e. … the client 1.8 detects a streaming server failure or overload, the control server 1.1 redirects the client to the alternate streaming server).

It would have been obvious to a person skilled in the art at the time of the invention to modify the combined teachings of del Val and Schulzrinne with the teachings of Goldszmidt in order to stream media more efficiently and provide the user with a flawless stream of media content by not interrupting the user's media stream.

5. With respect to claim 9, del Val discloses a system for retrieving digital multimedia content from a network node (Figure 1; Column 2, lines 41-45; i.e. client device reads on a system), comprising: means associated with a client application executing on a digital multimedia device (Column 4, lines 45-52) for generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50; i.e. network node reads on server).

del Val does not disclose a message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF

CLIP value; and means for transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier and said media clip index, said transferring commencing at a time determined responsive to said indication of said activation time, wherein said RTSP SET PARAMETER message is generated in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source, wherein said previously identified content source comprises a media clip, wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming.

However, Schulzrinne discloses a message containing at least one of a playlist identifier (Page 10; (Overall Operation); Section 1.7, Paragraph 1, lines 1-2), a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF CLIP value ((PLAY); Page 38, Section 11.4, Paragraph 3, lines 26-36); and transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier (Page 10; (Overall Operation); Section 1.7, Paragraph 1, lines 1-2) and said media clip index (Page 3; (Purpose); Section 1.2, lines 1-21), said transferring commencing at a time determined responsive to said indication of said activation time ((PLAY) Paragraph 11.4, lines 26-36).

It would have been obvious to a person skilled in the art at the time of the invention to modify the teachings of del Val with the teachings of Schulzrinne in order to make media streaming more efficient and easier for the end user (client) through time management use of an activation time and playlist identifier.

The combined teachings of del Val and Schulzrinne does not disclose that a message is generated in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source, wherein said previously identified content source comprises a media clip, wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming.

However, Goldszmidt discloses wherein said message is generated in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source (Column 3, lines 41-55; i.e. … the client sends a switch request to the control server …) , wherein said previously identified content source comprises a media clip (Column 3, lines 41-55; i.e. … Each client agent receives the multimedia stream from a streaming server …) , wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming (Column 8, lines 27-33; i.e. … the client 1.8

detects a streaming server failure or overload, the control server 1.1 redirects the client to the alternate streaming server).

It would have been obvious to a person skilled in the art at the time of the invention to modify the combined teachings of del Val and Schulzrinne with the teachings of Goldszmidt in order to stream media more efficiently and provide the user with a flawless stream of media content by not interrupting the user's media stream.

6. With respect to claim 17, del Val discloses a digital multimedia device operable to retrieve digital multimedia content from a network node (Figure 1; Column 2, lines 41-45; i.e. client device reads on a digital multimedia device), comprising: logic for generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50; i.e. network node reads on server), a player engine operable to play back streaming content (Column 4, lines 55-56) from a particular content source.

del Val does not disclose a message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF CLIP value; and transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier and said media clip index, said transferring commencing at a time determined responsive to said indication of said activation time, wherein said RTSP SET PARAMETER message is generated

in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source, wherein said previously identified content source comprises a media clip, wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming.

However, Schulzrinne discloses a message containing at least one of a playlist identifier (Page 10; (Overall Operation); Section 1.7, Paragraph 1, lines 1-2), a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF CLIP value ((PLAY); Page 38, Section 11.4, Paragraph 3, lines 26-36); and transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier (Page 10; (Overall Operation); Section 1.7, Paragraph 1, lines 1-2) and said media clip index (Page 3; (Purpose); Section 1.2, lines 1-21), said transferring commencing at a time determined responsive to said indication of said activation time (Pages 36-37; Section 11.4, (PLAY), lines 26-36).

It would have been obvious to a person skilled in the art at the time of the invention to modify the teachings of del Val with the teachings of Schulzrinne in order to make media streaming more efficient and easier for the end user (client) through time management use of an activation time and playlist identifier.

The combined teachings of del Val and Schulzrinne does not disclose that a message is generated in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source, wherein said previously identified content source comprises a media clip, wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming.

However, Goldszmidt discloses wherein said message is generated in response to the client application generating a SWITCH message while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source (Column 3, lines 41-55; i.e. … the client sends a switch request to the control server …) , wherein said previously identified content source comprises a media clip (Column 3, lines 41-55; i.e. … Each client agent receives the multimedia stream from a streaming server …) , wherein said network node continues to stream from said media clip until said media clip's boundary is reached and wherein said transferring commencing in response to said media clip's boundary being reached during said streaming (Column 8, lines 27-33; i.e. … the client 1.8 detects a streaming server failure or overload, the control server 1.1 redirects the client to the alternate streaming server).

It would have been obvious to a person skilled in the art at the time of the invention to modify the combined teachings of del Val and Schulzrinne with the teachings of Goldszmidt in order to

stream media more efficiently and provide the user with a flawless stream of media content by not interrupting the user's media stream.

7. With respect to claims 4, 12 and 20, del Val discloses wherein said previously identified content source comprises a media clip and said network node terminates streaming from said media clip substantially immediately upon receiving another SET_PARAMETER message from said client application (Column 4, lines 45-52; i.e. RTSP encompasses the SET_PARAMETER message and it is shown by the statement in the prior art VCR remote control…provides the ability to pause, play…etc. which would include the stop/terminate feature/function).

8. With respect to claims 5, 13 and 21, the claims are rejected for the same reasons as claim 1 above. In addition Schulzrinne discloses wherein said network node comprises means for returning a Normal Play Time (NPT) value to said client application in response to said RTSP SET_PARAMETER message (Pages 36-37; Section 11.4, (PLAY), lines 48-56) and wherein the NPT value chronologically corresponds to said activation time (Pages 15-16; Section 3.5, (Normal Play Time), lines 1-8).

9. With respect to claims 6, 14 and 22, del Val discloses wherein said digital multimedia device accesses said network node over at least one of a wireline network, a wireless network, and a cable network (Column 3, lines 64-67 and continued through to Column 4, lines 1-3).

10. With respect to claims 7 and 15, del Val discloses wherein said digital multimedia device comprises at least one of: digital music players, digital video players, computers, and handheld communication devices enabled to accept streaming media (Column 2, lines 62-67).

Response to Arguments

11. Applicant's arguments with respect to claims 1, 4-7, 9, 12-15, 17 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marshall McLeod

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157